

Confidential Serial No: 10/433,150
Response to Official Action of August 10, 2006

RESPONSE TO OBJECTIONS AND REJECTIONS

In response to the Official Actions dated August 10, 2006, applicant has amended the specification to include an amendment which was recited in original claims 14 and 18.

The Official Action of August 10, 2005 rejected Claims 13 and 20-30 under 35 U.S.C. 112, first paragraph and second paragraph. Applicant has amended the specification in response to the rejection, and believes the application is now in condition for consideration.

The Examiner rejection the claims asserting that the phrase "about 5 mm to above" is not enable by the specification and such language would be objected to as being new matter. However, this language was in the originally filed claims 14 and 18 of the application, therefore, this feature can not be considered new matter. Furthermore, patent applications often disclose various embodiments having numerous ranges. Accordingly, applicant has amended the specification to properly disclose the embodiment that was originally claimed and disclosed in the patent.

Furthermore, the Official Action rejected the claims for having the phrase "a diameter in the range of about 25 mm to above" is being considered indefinite. Applicant respectfully disagrees with this rejection. It is a well known practice to include ranges which have a range which does not have limit. In fact, applicant can easily site to over 100 patents which have a range that includes such phrases as "greater than" or "less than" preceding or following a

number. If the Examiner has a question regarding this matter, he respectfully asks the Examiner to contact applicant's representative to clarify this matter.

Based on the last 2 interviews with the Examiner, applicant was under the impression that the Examiner believed the claims are in condition for allowance and has attempted to address his concerns and questions each time. However, each time the Examiner has issued a new Official Action with new rejections. Applicant believes that the claims are in condition for allowance, and if for some reason the Examiner does not agree, applicant respectfully requests that the Examiner contact applicant's representative to expedite the prosecution of this application. It has now nearing the 4th year the present application is still in the prosecution phase.

Should the Examiner have any questions, please contact Rouz Tabaddor, Esq. at (202) 489-7849 or at rouz@tabaddorlaw.com.

Respectfully submitted,

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